

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Fuel Board

CHAPTER NUMBER AND TITLE: Chapter 13: Installation of Propane and Natural Gas Burning Equipment

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Catherine M. Carroll, Board Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8605, catherine.m.carroll@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Same as above.

PUBLIC HEARING (if any): August 13, 2015 at 10:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: August 24, 2015 at 5 p.m.

BRIEF *SUMMARY: In this rulemaking, the Maine Fuel Board (“board”) proposes language for Chapter 13, Section 13.7, which sets forth the requirements for installing a conversion burner to convert an appliance to propane and natural gas from another fuel source. In a previous rulemaking that concluded in 2014, the board adopted Chapters 1 through 13, which repealed and replaced the rules of the former Oil and Solid Fuel Board and Propane and Natural Gas Board. However, the board subsequently reserved rulemaking on Chapter 13, Section 13.7 due to concerns raised by the regulated community about the proposed language. The board formed the Section 13.7 Subcommittee (“subcommittee”), made up of board members and staff, fuel industry representatives, and other interested parties. The subcommittee met three times from November 2014 to January 2015. On January 12, 2015, the subcommittee voted to approve proposed language for Section 13.7. On February 12, 2015, the board voted unanimously to approve the subcommittee’s proposed language and to proceed to rulemaking. A more detailed description and the text of the proposed rule may be obtained at www.maine.gov/professionallicensing.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None.

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. § 18123(2)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: holly.doherty@maine.gov

* Check one of the following two boxes.

☒ The above summary is for use in both the newspaper and website notices.

☐ The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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Rule-Making Fact Sheet

(5 MRS § 8057-A)

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NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Catherine M. Carroll, Board Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8605, catherine.m.carroll@maine.gov

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DATE AND PLACE OF PUBLIC HEARING: August 13, 2015 at 10:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: August 24, 2015 at 5 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: In 2014, the board adopted Chapters 1 through 13, which repealed and replaced the rules of the former Oil and Solid Fuel Board and Propane and Natural Gas Board. However, the board subsequently reserved rulemaking on Chapter 13, Section 13.7 due to concerns raised by the regulated community about the proposed language. A subcommittee was formed to deal specifically with Section 13.7, and the subcommittee drafted language for Section 13.7 that the board accepted on February 12, 2015 and now proposes. With this rule, the board seeks to ensure compatibility and the safest possible installation of conversion burners when converting an appliance to propane or natural gas from another fuel source.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The board's professional judgment and experience under the current rules, and the recommendations of the board's Section 13.7 Subcommittee.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The board proposes to adopt the Section 13.7 language drafted by the board's Section 13.7 Subcommittee ("subcommittee").

Section 13.7.1 sets forth the requirements for converting an appliance to propane or natural gas from another fuel source where the input of the burner is 400,000 btu or less, as follows: the conversion burner must be a listed conversion burner; the installer must verify with the appliance manufacturer that the appliance can be used with gas; and the appliance or burner manufacturer must provide installation and setup instructions specific to the appliance if it is designed to operate with a positive chamber pressure. In instances where the appliance manufacturer is no longer available, an installer may use the burner selection criteria of ANSI Z21.8 and the burner manufacturer's combustion setup instructions. The installation must ultimately conform to national codes, as referenced in the proposed rule.

Section 13.7.2 sets forth the requirements for converting an appliance to propane or natural gas from another fuel source where the input of the burner is greater than 400,000 btu, as follows: the conversion burner must be a listed conversion burner; the installer must verify with the appliance manufacturer that the appliance can be used with gas; and the burner must be selected for use in the make and model of appliance, with the rule providing three ways in which this requirement may be met. The installation must ultimately conform to national codes, as referenced in the proposed rule. Section 13.7.2(4) also provides that installations 1,000,000 btu or greater must conform to the additional codes referenced therein.

Section 13.7.3 sets forth the oil tank requirements upon conversion to an alternative fuel.

The board proposes these particular requirements after extensive review and discussion by the subcommittee in order to ensure the safest possible conversion of an appliance from oil to gas without imposing any unnecessary costs on the regulated community.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation; (B) There are no fees included in the rule; (C) There are minimal costs to businesses in terms of time and money required to comply with the rule; (D) No other state laws or rules already address the subject matter of this rule; (E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

658 MAINE FUEL BOARD

Chapter 13 INSTALLATION OF PROPANE AND NATURAL GAS BURNING EQUIPMENT

Summary: This Chapter sets forth requirements for the installation of propane and natural gas burning equipment and describes the necessary safety controls, devices and standards for the reduction of fire hazards associated with propane- and natural gas-fired equipment used in residential, commercial, and industrial applications.

13.1 Workmanship

All work must be conducted, installed, and completed in a neat and professional manner reflecting a minimum level of competent workmanship.

13.2 Repair or Replacement

Repair of any system or replacement of parts may be made in the same manner as it was in the existing system provided that such repair or replacement is not hazardous. All material, equipment and devices must be constructed and installed in accordance with their specific purposes and listings.

13.3 Maintenance**13.3.1 General**

All gas burning equipment and systems, both new and existing, and parts thereof must be maintained in a safe condition.

13.3.2 Notification to Homeowner of Code Violations

When performing any service on a customer's gas system, the licensee must notify the homeowner of any code violations and make recommendations to address them.

13.3.3 Combustion Efficiency Test Required

When performing an annual tune-up on a gas-fired central heating system, a combustion efficiency test must be conducted and a copy of the test results must be posted on-site.

13.4 Installations**13.4.1 Code Compliance Required Prior to Firing**

Whenever a furnace, direct-fired hot water heater, or boiler is installed, the total installation must be brought into compliance with the requirements of NFPA #54 (2012 edition), NFPA #58 (2011 edition) and all other rules of the Board **BEFORE** the furnace, direct-fired water heater, or boiler is fired. Prior to leaving the installation

(whether installed inside or outside any structure) unsupervised, the licensed propane and natural gas technician must observe, inspect, and test the equipment to ensure that the installation is operating safely and properly and meets all applicable rules of the Board.

13.4.2 Additional Requirements

When an appliance other than a furnace, direct-fired water heater, or boiler is installed, the following must be done:

1. The entire gas piping system must be brought into compliance with the requirements of NFPA #54 (2012 edition) and all other rules of the Board;
2. All appliances which are designed to be vented, including existing appliances, must be vented in accordance with NFPA #54 (2012 edition);
3. Any existing code violations must be reported to the owner in writing, a copy of which must be retained by the installer such that it may be produced for inspection upon request of a Board inspector.

13.4.3 Vented Central Heating Appliance Required

When installing a vented central heating appliance, the installer must conduct a combustion efficiency test, unless prohibited by the manufacturer, and must post a copy of the test results on-site.

13.5 Low Water Control for Boilers

13.5.1 Low Water Control Required

All gas-fired boilers must be provided with a properly installed and operating low water cut-off.

13.5.2 Location

The low water cut-off may be installed in or attached to the boiler at the level recommended by the boiler manufacturer, but in no case shall the low water cut-off be installed below the crown sheet. The low water cut-off, when not installed directly in the boiler, may be installed either in the main supply line (vertical riser) as close to the boiler as possible or in a water column of continuous piping attached directly to the boiler.

13.5.3 Appropriate Design

The low water cut-off must be designed and approved for the medium used (steam or water).

13.5.4 No Obstructions

No valves or other obstructive devices shall be installed between the boiler and safety controls.

13.5.5 Acceptable Manufacturer's Alternatives

Installations meeting the criteria of Chapter 10, Section 10.3.5 of NFPA #54 (2012 edition) shall be accepted as meeting the provisions of this Section.

13.5.6 Additional Acceptable Manufacturer's Alternatives

A pressure switch installed by the manufacturer and specified by the manufacturer as low-water protection shall be accepted as meeting the criteria of Chapter 10, Section 10.3.5 of NFPA #54 (2012 edition).

13.6 Heat Loss Requirement

13.6.1 New Installations of Central Heating Systems

Heat loss system design and system load calculations for all new installations of a central heating system must be performed prior to installation. The licensee must retain a copy of the heat loss system design and system load calculations such that it may be produced for inspection upon request of a Board inspector.

13.6.2 Replacement of Central Heating Systems

A heat loss and/or load calculation must be conducted before replacement of a central heating system. The licensee must retain a copy of the heat loss system design or system load calculations, or the stamped plans of an engineered system, such that they may be produced for inspection upon request of a Board inspector.

13.7 ~~RESERVED~~ Conversion Burners

13.7.1 ~~RESERVED~~ 400,000 btu or less

When converting to propane or natural gas from another fuel source of which the input of the burner is 400,000 btu or less, the following requirements must be met:

1. The conversion burner must be a listed conversion burner.
2. The installer must verify with the manufacturer of the appliance to be converted that the appliance is suitable for use with gas as a fuel source.
3. If the manufacturer of the appliance is no longer available, the burner selection criteria included in ANSI Z21.8, and the burner manufacturer's combustion setup instructions may be used.
4. If the appliance being converted is designed to operate with a positive chamber pressure, the appliance manufacturer or the conversion burner manufacturer must provide installation and setup instructions specific to the appliance being converted.
5. The installation must conform to NFPA #54 (2012) and ANSI Z21.8, as incorporated by reference into NFPA #54 (2012).

13.7.2 ~~RESERVED~~ Greater than 400,000 btu

When converting to propane and natural gas from another fuel source of which the input of the burner is over 400,000 btu, the burner must be listed by Underwriters' Laboratory or by an independent nationally recognized testing laboratory and the following requirements must be met:

1. The installer must verify from the manufacturer of the appliance to be converted that the appliance is capable of being used with gas as a fuel.
2. The burner must be selected for use in the make and model of appliance in which it is intended to be installed and must meet one of the following conditions:
 - A. The burner manufacturer must provide written documentation that the burner has been approved by the burner manufacturer for use in the appliance intended to be converted;
 - B. The burner has been tested by an independent testing laboratory in the make and model of appliance in which it is intended to be installed and has been certified for use in such appliance by the nationally recognized independent testing laboratory;
 - C. The burner has been tested by the appliance manufacturer in the make and model appliance in which it is intended to be installed and has been approved for use in such appliance by the appliance manufacturer.

[NOTE: The appliance and/or burner manufacturer must provide installation and combustion set-up instructions for the appliance being converted.]

3. The installation must conform to the requirements of NFPA #54 and NFPA #211 for the installation of a gas appliance.
4. For installations 1,000,000 btu or greater, the installation must conform to ASME CSD-1 (2012 edition) and NFPA # 85 (edition 2015), as applicable.

13.7.3 ~~RESERVED~~ Oil Tank Requirements Upon Conversion to an Alternative Fuel

If an oil burning appliance is converted to an alternative fuel, but the tank is left in place so that it can be returned to service at some future date, the following requirements must be met before the alternative fuel is used:

1. The vent piping must remain intact and open to the outside of the building;
2. The fill pipe must be removed completely and the tank must be plugged with a threaded black iron plug;
3. The burner supply line must be removed and the valves on both the tank and burner must be capped or plugged; and
4. The requirements of this Section must be performed by a master or journeyman Oil Burner Technician.

13.8 Electrical Wiring and Equipment

13.8.1 Code Compliance; General Requirements

The following requirements must be met with respect to the electrical wiring and

equipment used in connection with propane or natural gas burning equipment:

1. The electrical wiring and equipment used must be installed in accordance with NFPA #70, National Electrical Code (2011 edition);
2. Safety control circuits must be two-wire, one side grounded, having a nominal voltage not exceeding 150 Volts. A safety control or protective device must be connected so as to interrupt the ungrounded conductor; and
3. The control circuit must be connected to a power supply branch circuit fused at not more than the value appropriate for the rating of any control or device included in the circuit.

13.8.2 Emergency Switch

- 13.8.2.1 For central heating equipment and water heating appliances where the interruption of an electrical circuit will arrest the combustion process, an identified emergency shutdown switch must be placed outside of and adjacent to the entrance of the room where the appliance is located.
- 13.8.2.2 An emergency switch shall not be placed outside of any building.
- 13.8.2.3 If the entrance to the boiler room is only accessible from the outside, the emergency switch may be placed at the inside not more than one foot beyond the door opening.
- 13.8.2.4 On multi-unit installations of commercial and industrial equipment, the emergency switch must be installed in accordance with Figure 13-1.
- 13.8.2.5 On multi-unit installations in other than one- and two-family residences, the emergency shut-off switch must be placed at the outside entrance of the room containing the appliances. The emergency switches and the thermal cut-off switches must be wired in series through individual unit relays so that, if the emergency switch is opened, all heating equipment in the room and any electrically operated gas valves will be rendered inoperable. This application also applies if there are two or more appliance rooms in the same building that are connected to a common fuel supply system.

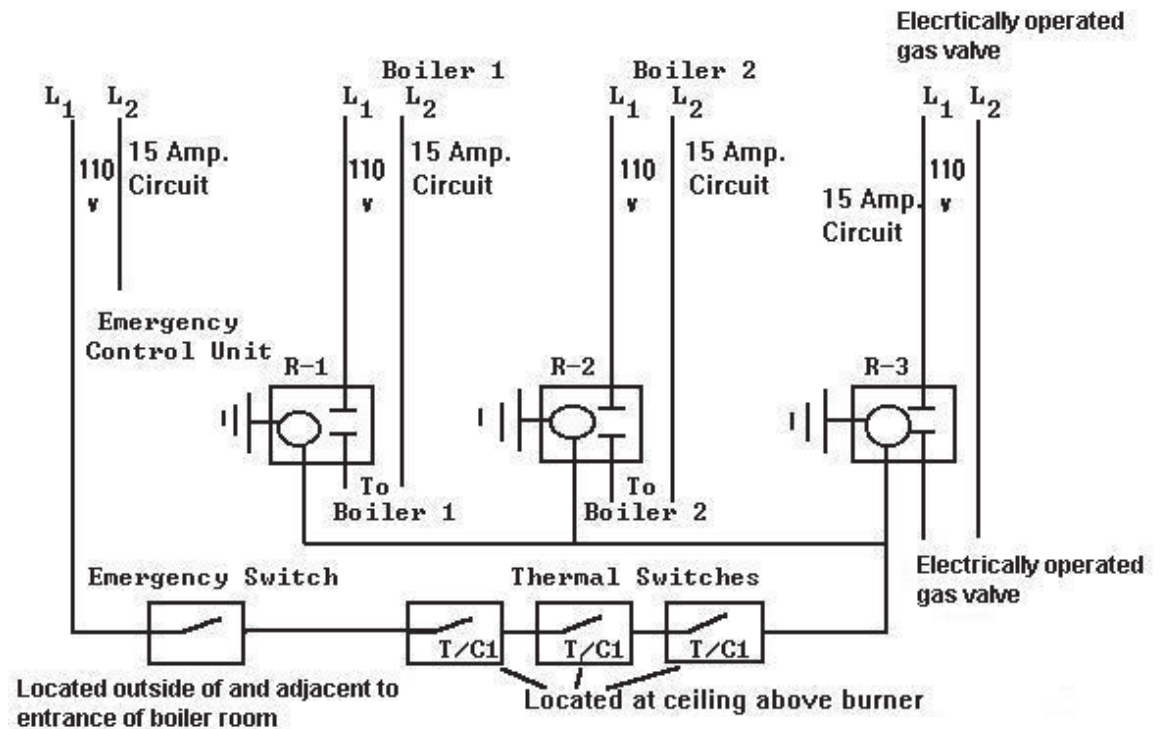


Figure 13-1 For use on commercial and industrial equipment only.
This requirement shall not apply to one and two family residences.

13.8.3 Service Switch

For central heating equipment and water heating appliances where the interruption of an electrical circuit will arrest the combustion process, a service disconnect switch for control of the burner while observing the flame must be placed at the unit, within 3' of the burner.

13.8.4 Thermal Cut-Off Switches

13.8.4.1 For central heating equipment and water heating appliances where the interruption of an electrical circuit will arrest the combustion process, a thermal cut-off switch must be wired into the burner circuit to shut off the burner in the event of a fire at the unit. The switch must be placed at the highest point directly above the unit to be fired with the thermal element pointed downwards, and must be placed on the bottom of the floor joist or stringer at the front of the unit. In no case shall it be lower than the point where the flue connector enters the chimney. The switch must be wired to shut off the burner, circulating fan, forced or induced draft fan and any electrically-operated gas valves. A thermal electric switch is required for each electrically-powered gas-fired unit in a multi-appliance installation.

13.8.4.2 On multi-unit installations other than one- and two-family residences the emergency and thermal electrical switches must be wired in series through individual unit relays so that, if one switch is opened, all equipment will be rendered inoperable whenever the "EMERGENCY" switch is opened.

13.8.5 Controls Containing Mercury

Thermostats containing mercury must be disposed of according to all federal and state regulations. (Refer to 38 MRSA §1663 and check with your local supplier.)

13.9 Steam Boilers

Steam boilers must be installed according to manufacturer's instructions.

13.10 Safety and Pressure Relief Valves

13.10.1 Approved Safety or Pressure Relief Valve Required

Steam and hot water boilers must be equipped with listed or approved steam safety or pressure relief valves that conform to ASME requirements. A shut-off valve shall not be placed between the relief valve and the boiler or on discharge pipes between such valves and the atmosphere.

13.10.2 Proper Termination Required

All steam safety or pressure relief valves must terminate in a manner which precludes the possibility of accidental scalding in accordance with ASME.

13.10.3 Location

Steam safety relief valves over 2 inches in diameter must terminate outside of the structure in a safe location. Steam safety or pressure relief valves which terminate in the structure must terminate 6 inches to 12 inches above the floor.

13.10.4 Installation in Upright Vertical Position

Steam safety and pressure relief valves on boilers must be installed with the spindle in the upright vertical position.

13.11 Water and Steam Boiler Pipe Supports

13.11.1 Generally

Piping must be supported with pipe hooks, metal pipe straps, bands, brackets or hangers suitable for the size of the piping and must be of adequate strength and quality and located at intervals so as to prevent or damp out excessive vibration.

13.11.2 Spacing

Spacing of supports shall not be greater than as shown in Table 13-1.

13.11.3 Allowance for Expansion and Contraction

Supports, hangers, and anchors must be installed so as to not interfere with the free expansion and contraction of the piping between anchors. All parts of the supporting equipment must be designed and installed so that they will not be disengaged by movement of the supporting piping.

**Table 13-1
Support of Piping**

Steel Pipe, Nominal Size of Pipe (Inches)	Spacing of Supports (Feet)	Nominal Size of Tubing (Inch O.D.)	Spacing of Supports (Feet)
1/2	6	1/2	4
3/4 or 1	8	5/8 or 3/4	6
1 1/4 or larger (horizontal)	10	7/8 or 1	8
1 1/4 or larger (vertical)	every floor level		

13.12 State Internal Plumbing Rules

All piping and safety controls on domestic water heaters and domestic water connections to boilers and heaters must be made in accordance with the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 2009 edition, as adopted in Chapter 4 of the rules of the Plumbers' Examining Board.

13.13 Residential Dryer Exhaust Terminations

The Board considers the exhaust terminations of residential dryers to be openings into the building and not ignition sources.

13.14 Underground Gas Piping

13.14.1 Electrically Insulating Fitting Required

When metallic piping is buried underground, an electrically insulating (dielectric) fitting must be installed before the entrance of the piping into the building. In no case shall the fitting be located after the connection of a bond wire for use with corrugated stainless steel tubing (CSST) or other piping material.

13.14.2 Limitation on Use of Flare Fittings

No flare fittings shall be located underground, unless specifically rated for such use and protected from corrosion in accordance with the manufacturer's instructions.

13.14.3 Protection of metallic piping from corrosion

All underground metallic piping must be protected from corrosion. This may be accomplished by sleeving, using a PVC coated pipe material approved for direct burial, or by other corrosion prevention material listed for such use.

13.15 Liquefied Petroleum Gas, Liquefied Natural Gas and Compressed Natural Gas Containers**13.15.1 Identification of Tank Owner; Consumer-Owned Tanks**

All liquefied petroleum gas, liquefied natural gas and compressed natural gas containers installed at a consumer site must be identified as follows:

1. The name of the tank owner must be clearly marked in letters which are a minimum of 1 inch high;
2. The 24-hour emergency contact number of the tank owner must be marked in numbers which are a minimum of 1 inch high;
3. On tanks which are consumer-owned, the tank must be marked "Consumer Owned" in letters which are a minimum of 1 inch high; and
4. Underground tanks must have the above information clearly marked on the inside of the dome cover.

13.15.2 Accessibility of Underground Tanks

Underground containers must be installed such that the top of the attached dome is a minimum of 6 inches above finished grade.

13.16 Vehicle Protection Requirements for Tanks, Gas Piping and Associated Accessory Equipment

[NOTE: Appendix G to Chapter 6 of the Board's rules is a concise summary of the vehicle protection requirements set forth in this Section.]

13.16.1 Responsibility of Installer

It is the responsibility of the licensee installing the tank(s)/outside piping to provide vehicle protection to the tank(s), outside piping or accessory equipment at time of installation.

13.16.2 Responsibility of Delivery Technician

It is the responsibility of the delivery technician to assure that all gas tanks and associated piping and accessory equipment are protected from vehicular damage prior to delivering gas to that system.

13.16.3 Spacing

There must be a maximum of 3' of space between pieces or sections of protection.

13.16.4 Guardrail

Guardrail posts must be set in a minimum of 3' below grade and extend a minimum of 36" above finished grade.

13.16.5 Bollards

Bollards must be set below grade in cement and must extend a minimum of 36" above finished grade.

13.17.5.1 Bollards protecting vapor systems must be at least 4" in diameter and filled with concrete.

13.17.5.2 Bollards protecting Bulk Plants and Dispensers must be at least 6" in diameter and filled with concrete.

13.16.6 Wooden Posts

Wooden posts must consist of a minimum 6" x 6" pressure-treated material and must extend at least 36" above finished grade.

13.16.7 Boulders

Boulders at least 36" in diameter and meeting the spacing criteria of subsection 3 above may be used.

13.16.8 Concrete Barriers and Blocks

Concrete barriers and blocks at least 36" high and meeting the spacing criteria of subsection 3 above may be used.

13.16.9 Non-Standard Protection Systems

Non-standard engineered vehicle protection systems must be reviewed and approved by the Board prior to being placed into service.

13.16.10 Plastic Barriers

Plastic "Type K" barriers filled with sand which meet the height and space criteria of this Chapter may be used.

13.17 Installation of Self-Service Dispensing Stations

All installations of self-service dispensers at dispensing stations must comply with the following requirements:

13.17.1 Operating Instructions

Operating instructions must be conspicuously posted in the dispensing area;

13.17.2 View of Operator

The dispensing area must be in clear view of the operator on duty at all times;

13.17.3 Communications

The operator must be able to communicate with persons in the dispensing area at all times.

13.17.4 Warning Signs

Warning signs incorporating the following or equivalent wording must be conspicuously posted in the dispensing area:

1. “The filling of portable propane and natural gas containers is prohibited;”
2. “No Smoking;”
3. “Stop Motor and Extinguish All Pilots - Extinguish all pilots and gas ignition systems. All appliances must be in the ‘off’ position;” and
4. “Remove All Occupants from Vehicles Containing Propane Appliances.”

13.17.5 Emergency Breakaway Device

The dispensing station must have an emergency breakaway device under the dispensing unit that will retain the product on both sides of the breakaway point, or other devices affording equivalent protection.

13.17.6 Thermally Activated Shut-off

The dispensing station must have a thermally activated shut-off.

13.17.7 Listing

Motor fuel dispensing devices for compressed natural gas, liquefied natural gas, and liquefied petroleum gas must be listed.

13.17.8 Hose Assemblies

Listed hose assemblies must be used to dispense fuel. Hose length at automotive service stations must not exceed 18 feet (5.5 meters).

13.17.9 Dispensers Beneath Canopies

Where compressed natural gas or liquefied natural gas dispensers are installed beneath a canopy or enclosure, the following requirements must be met:

- 13.17.9.1 The canopy or enclosure must be designed to prevent accumulation or entrapment of ignitable vapors; and
- 13.17.9.2 All electrical equipment installed beneath the canopy or enclosure must be suitable for Class I, Division 2 hazardous (classified) locations.

13.17.10 Code Compliance Required: LP, LNG, CNG Dispensers

Dispensing devices for liquefied petroleum gas (LP), liquefied natural gas (LNG) or compressed natural gas (CNG) must meet all requirements of Chapter 12 of NFPA #30A (2012 edition), as well as the appropriate Sections of NFPA #58 (2011 edition) for LP, and NFPA #52 (2010 edition) for LNG & CNG dispensers.

STATUTORY AUTHORITY: 32 MRSA §18123(2)

AMENDED: AUGUST 21, 2014

EFFECTIVE DATE: SEPTEMBER 27, 2014